

IN SENATE OF THE UNITED STATES.

JULY 27, 1842.
Ordered to be printed.

Mr. PHELPS submitted the following

REPORT:

The Committee of Claims, to whom were referred the memorial of John Phillips, as administrator of Jeremiah Phillips, and also of W. Walker, report:

The memorialist prays compensation for certain slaves alleged to have been lost while in the service of the United States at Fort Mims, in the year 1813.

It appears that, upon the breaking out of hostilities with the Creek Indians during that year, the two intestates, Phillips and Walker, with the slaves in question, took refuge in Fort Mims, as a place of security. While there the slaves, or some of them, were required to work upon the fort, probably in strengthening, and rendering it more secure from hostile attack. It was, however, afterward taken and destroyed by the Indians, and the negroes either killed or carried into captivity.

The committee are not aware of any principle upon which the United States can be made responsible for the loss. The negroes were not impressed into the service of the United States, but were brought to the fort voluntarily by the owners, as to a place of security; all that could be expected was that they should share the fate of the garrison. If they could not defend themselves, nor protect the intestates or the negroes, it was a misfortune, for which there can be no redress.

The fact that the slaves were employed in strengthening the defences does not vary the case; since, being there for the purpose already expressed, it was their duty to join in the defence; and what was done, must be considered as done in the defence of their own lives, against the peril which surrounded them. The committee, therefore, recommend the following resolution:

Resolved, That the prayer of the petition be rejected.

Thomas Allen, print.

